

REMARKS

In response to the Office Action mailed November 1, 2005, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks, have canceled claims and have added new claims. The claims as now presented are believed to be in allowable condition.

Claims 1-5, 7-12, 14-19 and 21-34 were pending in this Application. By this Amendment, claims 4, 11, 18 and 25 have been canceled. Applicants expressly reserve the right to prosecute at least some of the original claims and similar claims in one or more related Applications. Claims 35-37 have been added. Accordingly, claims 1-3, 5, 7-10, 12, 14-17, 19, 21-24, 26-37 are now pending in this Application. Claims 1, 8, 15, 22, 23 and 26 are independent claims.

Preliminary Matters

Applicants to point out that claims 22 and 26 were previously deemed to be in allowable condition. Under MPEP 706.07(a),

706.07(a) Final Rejection, When Proper on Second Action [R-3]

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). (Emphasis added).

706.07(d) Final Rejection, Withdrawal of, Premature

If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection. The finality of the Office action must be withdrawn while the

application is still pending. The examiner cannot vacate the final rejection once the application is abandoned. (Emphasis added).

The Office Action mailed November 1, 2005 (on page 2, middle paragraph) withdraws the allowability of claims 22 and 26 due to a new ground of rejection that was not necessitated by any amendment by Applicants. Accordingly, the final rejection of claims 22 and 26 is premature, and Applicants respectfully request that the Patent Office withdraw the finality of the rejection. As a result, the Office Action mailed November 1, 2005 cannot be made "final".

Allowed Claims

Original claims 4, 11, 18 and 25 were objected to as being dependent on a rejected base claim but were deemed allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants point to page 10 of the earlier Office Action mailed April 27, 2005 for this decision.

Claims 1-5, 7 and 27-28

Original claim 4 was objected to as being dependent on original claim 1 but was deemed allowable if rewritten in independent form to include all of the limitations of original claim 1. Rather than rewrite claim 4 to include all of the limitations of original claim 1, Applicants have rewritten original claim 1 to include all of the limitations of claim 4 and then canceled claim 4. Accordingly, claim 1 is now in allowable condition.

Because claims 2-3, 5, 7 and 27-28 depend from and further limit claim 4, claims 2-3, 5, 7 and 27-28 are now in allowable condition for at least the same reasons as claim 1.

Claims 8-12, 14 and 29-30

Original claim 11 was objected to as being dependent on original claim 8 but was deemed allowable if rewritten in independent form to include all of the

limitations of original claim 8. Rather than rewrite claim 11 to include all of the limitations of original claim 8, Applicants have rewritten original claim 8 to include all of the limitations of claim 11 and then canceled claim 11. Accordingly, claim 8 is now in allowable condition.

Because claims 9-10, 12, 14 and 29-30 depend from and further limit claim 8, claims 9-10, 12, 14 and 29-30 are now in allowable condition for at least the same reasons as claim 8.

Claims 15-19, 21 and 31-32

Original claim 18 was objected to as being dependent on original claim 15 but was deemed allowable if rewritten in independent form to include all of the limitations of original claim 15. Rather than rewrite original claim 18 to include all of the limitations of original claim 15, Applicants have rewritten original claim 15 to include all of the limitations of claim 18 and then canceled claim 18. Accordingly, claim 15 is now in allowable condition.

Because claims 16-17, 19, 21 and 31-32 depend from and further limit claim 15, claims 16-17, 19, 21 and 31-32 are now in allowable condition for at least the same reasons as claim 15.

Claim 22

The Office Action states on page 2 that the "trough portion" language of claim 4 in combination with other limitations is patentable over the art of record. Applicants have amended claim 22 to include language similar to that of claim 4. Accordingly, claim 22 is patentable over the art of record for similar reasons.

Claims 23-25 and 33-34

Original claim 25 was objected to as being dependent on original claim 23 but was deemed allowable if rewritten in independent form to include all of the limitations of original claim 23. Rather than rewrite original claim 25 to include all of the limitations of original claim 23, Applicants have rewritten original claim

23 to include all of the limitations of claim 25 and then canceled claim 25. Accordingly, claim 23 is now in allowable condition.

Because claims 24 and 33-34 depend from and further limit claim 23, claims 24 and 33-34 are now in allowable condition for at least the same reasons as claim 23.

Claim 26

The Office Action states on page 2 that the "trough portion" language of claim 4 in combination with other limitations is patentable over the art of record. Applicants have amended claim 26 to include language similar to that of claim 4. Accordingly, claim 26 is patentable over the art of record for similar reasons.

Newly Added Claims

Claims 35-37 have been added and are believed to be in allowable condition. Claim 35 depends from claim 1. Claim 36 depends from claim 8. Claim 37 depends from claim 15. Claims 35-37 correspond to original claims 6, 13, and 20. No new matter has been added.

Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,



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